

Ordinance No. 6-09

ORDINANCE:

To amend Chapter 12 of the Rockville City Code entitled “Licenses, Permits and Miscellaneous Business Regulations” so as to conform it to the City’s new Zoning Ordinance adopted by Ordinance No. 19-08 and to make certain other corrective or clarifying changes

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Chapter 12 of the Rockville City Code entitled “Licenses, Permits and Miscellaneous Business Regulations” be amended as follows:

SECTION 1. That Article I, “In General,” Sections 12-4, “Administration and Enforcement,” 12-5 “Penalties; violation of certain sections declared misdemeanor” and Section 12-12, “Denial, revocation or suspension of licenses and certificates” be amended to read as follows:

Chapter 12

LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS

ARTICLE I. IN GENERAL

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Sec. 12-4. Administration and enforcement.

The provisions of this chapter shall be administered by the [Inspection Services Division under the supervision of the Director of Community Development] Community Enhancement and Code Enforcement Division under the supervision of the Chief of Police, except that the provisions of Article X of this chapter pertaining to pet shops and kennels shall be enforced by the Neighborhood Services Division under the supervision of the Chief of Police. The City Manager may designate any other employee of the City to administer the provisions of this chapter. The person so authorized may delegate any powers and duties under this chapter to any of such person's assistants or officials of the City.

Sec. 12-5. Penalties; violation of certain sections declared misdemeanor.

(a) A violation of section [12-31, 12-61, 12-91, 12-121,] 12-132[, 12-151, 12-181, 12-211, 12-241, 12-281, 12-282, 12-283] or 12-331 shall constitute a misdemeanor. Violation of any of the other provisions of this chapter shall constitute a municipal infraction.

(b) If the violation includes failure to obtain a valid license, the violator shall be required to pay the license fee in addition to any fine that may be levied.

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Sec. 12-12. Denial, revocation or suspension of licenses and certificates.

(a) * * *

(b) Any license or certificate issued under this chapter may be suspended or revoked when it is determined by the [Chief of Inspection Services Division] Code Enforcement Supervisor or, in the case of a license issued pursuant to Article X of this chapter, the Chief of Police, or any other designated individual that:

(1) * * *

(2) * * *

(3) * * *

(4) * * *

(5) * * *

(c) * * *

(d) * * *

SECTION 2. That Article III, "Hawkers and Peddlers," Division 3.,

"Regulations," Section 12-191. "Prohibited Conduct" be amended to read as follows:

ARTICLE VII. HAWKERS AND PEDDLERS**DIVISION 3. REGULATIONS****Sec. 12-191. Prohibited conduct.**

(a) After sunset, on any day, and before 1:00 p.m. on Sunday, no person shall make an outcry, blow a horn, ring a bell or use any other sound device including

any loud speaking radio or amplifying system upon any of the streets, alleys, parks or other public places of the City or upon any private premises in the City where sound of sufficient volume is emitted or produced therefrom capable of being plainly heard upon the streets, avenues, alleys or parks or other public places, for the purpose of attracting attention to any goods, wares or merchandise which such person proposes to sell.

(b) No person authorized to hawk, sell, peddle, vend, or offer for sale any articles shall do so except from 9:00 a.m. to sunset each day; provided, that the activities may be conducted where the prospective purchaser has agreed by previously arranged appointment for a time other than the prescribed hours.

(c) No person shall, upon public or private property, hawk, sell, peddle, vend or offer for sale any goods, wares, merchandise, services or foodstuffs of any kind from a temporary stand or structure, from a vehicle or trailer parked for more than one (1) hour in the same location, or from an area of unimproved or paved property[, or from the same location more than once in a single day]. This subsection shall not be interpreted to prohibit yard sales by resident owners of the property, sales by minors under the age of sixteen (16) years residing on the property or sales permitted by a temporary use permit [as defined in] issued pursuant to chapter 25 (Zoning).

(d) The prohibitions in this section may be waived in whole or in part at the sole discretion of the City Manager if he finds that such a waiver is in the best interests of the City, and that the activity:

- (1) Will not adversely affect the health, safety or welfare of City residents;
- (2) Will not violate the spirit of this chapter; and
- (3) Will not be in conflict with any other applicable law.

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SECTION 3. That Article IX. "Solicitors," Division 2, "License," Section 12-242 "Application" and Division 3 "Regulations," Section 12-262. "Use of Temporary Stands or Vehicles," be amended to read as follows:

ARTICLE IX. SOLICITORS

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DIVISION 2. LICENSE

* * *

Sec. 12-242. Application.

Applicants for a solicitor's license shall file with the City, on forms supplied by the City, a signed application giving the following information:

- (1) * * *
- (2) * * *
- (3) * * *
- (4) * * *
- (5) * * *
- (6) * * *
- (7) * * *

(8) One (1) full set of fingerprints may be required at the option of the Chief of Police or The [Chief of Inspection Services Division] Code Enforcement Supervisor.

DIVISION 3. REGULATIONS

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Sec. 12-262. Use of temporary stands or vehicles.

(a) No person shall, upon public or private property, take or attempt to take orders for the sale of goods, wares, merchandise, services, or foodstuffs of any nature whatsoever, including funds and pledges to nonprofit organizations and subscriptions to books, magazines and every other kind of printed material for future delivery from a temporary stand or structure; or from a vehicle or trailer parked for more than one (1) hour in the same location, or from an area of unimproved or paved property.

(b) Subsection (a) does not prohibit yard sales by resident owners of the property, sales by minors under the age of sixteen (16) residing on the property or sales permitted by a temporary use permit [as defined in] issued pursuant to chapter 25 (Zoning).

SECTION 4. That Article X, “Pet Shops and Kennels,” Division 2, “License,” Section 12-283, “Dog fancier’s kennel license required,” and Section 12-286, “Conditions for issuance” be amended to read as follows:

ARTICLE X. PET SHOPS AND KENNELS

* * *

DIVISION 2. LICENSE

* * *

Sec. 12-283. dog fancier’s kennel license required.

No person shall establish or maintain a dog fancier’s kennel without first obtaining an annual license therefor from the enforcement agency. [Failure to obtain such a license shall be a misdemeanor.] The surplus offspring of dogs bred at a dog fancier’s kennel to enhance or perpetuate a given breed may be sold by such kennel and such sale shall not be considered a commercial activity for the purpose of this article provided such breeding is occasional and provided further that the sale of the offspring of breeding is not the primary function of the kennel.

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Sec. 12-286. Conditions for issuance.

(a) No license shall be issued to any person for any pet shop, commercial kennel, or dog fancier's kennel, the location of which violates chapter 25 ([zoning and planning] Zoning) or the operation of which violates the terms of this article. If any pet shop or commercial kennel is required by chapter 25 ([zoning and planning] Zoning) to meet additional standards or to obtain a special exception, no such license shall be issued or renewed until the standards in chapter 25 ([zoning and planning] Zoning) have been complied with and/or the special exception has been obtained.

(b) The enforcement agency may refuse to issue or renew a license under this division if it finds that the applicant has willfully withheld or falsified any information required for a license. Any failure to renew shall be by written notice to the licensee served upon the licensee personally or by certified mail.

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NOTE: [Brackets] indicate material deleted
 Underlining indicates material adding
 Asterisks * * * indicate material unchanged by this ordinance
 [[Double Brackets]] indicate material deleted after introduction

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I hereby certify that the foregoing is a true and correct copy of an
ordinance adopted by the Mayor and Council at its meeting of
March 9, 2009.

Claire F. Funkhouser, CMC, City Clerk